

Minutes Regular Monthly Meeting January 10, 2017 at 7:30PM

Meeting was Rescheduled due to Inclement Weather from Jan. 9, 2017

Mayor Pro Tem Lillian Holman called the meeting to order. Commissioners present were Ed Lane, Archie Aples and Sid Eley. Others present were Town Manager Brandon Shoaf, Pam Hurdle, Police Chief Doug Freeman, Officer Ronnie Williams, Officer Bill Mitchell, Bert Webb, and AJ Awad.

Mayor Pro Tem Lillian Holman led the Pledge of Allegiance. Commissioner Archie Aples had the prayer.

Motion by Sid Eley and seconded by Ed Lane, and passed 4-0 to approve the agenda as presented.

Motion by Sid Eley and seconded by Ed Lane, and passed 4-0 to approve the minutes of both the December 12, 2016 Regular Meeting and Closed Session as presented.

Scheduled Business Appointments

There were none.

Administrative Concerns

Ed Lane said that the Town crews did a great job in making sure power was restored quickly after the ice storm over the weekend. He thanked all the staff that worked over the weekend to make sure things were safe. Shoaf reminded the Council that Greenville Utilities had come to our assistance to finish up line work that needed specialized equipment to complete.

Archie Aples ask what was going on at the railroad track this morning? He stated the cross arm kept going up and down and had traffic backed up. Officer Bill Mitchell said he responded and contact was made with the railroad and a technician came out.

Sid Eley said that Police and Electric did a great job in the storm.

Archie Aples asked if we were getting more complaints about potholes. Shoaf explained that he didn't think we were receiving more calls, but there were several new, large ones that we think are damage from Matthew. With some of those, the Town is waiting on FEMA to investigate.

Citizen Concerns

There were none.

Continued Business

Brandon said 2 windows on the high bay side had been ordered and painting of the trim work still needs to be done and the ice plant. He reported that he sent an email to Angel White with the school system to gauge interest in painting at the Missing Mill Park Shelter and had not heard back, but would follow up with her to see what interest was there.

Shoaf reported that the audit that the Council had reviewed was still awaiting approval at the LGC, so there was no action to be taken by them tonight. He was disappointed that it has been approved and explained that because of Hurricane Matthew review at that level was extremely.

New Business

Shoaf read the prepared statement shown here:

STATEMENT REGARDING SETTLEMENT OF DISPUTED CLAIM FOR CAPACITY FEES PREVIOUSLY PAID TO THE TOWN OF HERTFORD

In November of 2010, Willie E. Vaughn paid capacity fees to Hertford in the amount of \$8,000.00 in relation to construction of Archie and Lora Aples residence at 1126 W. Grubb Street. In late November, Mr. Aples requested to be refunded the full amount of the capacity fees paid and alleged they were required to be paid unlawfully based on the August 2016 North Carolina Supreme Court decision in Quality Built Homes town of Carthage. While Hertford disputed the validity of the claim and believes that it may have defenses to such claim, there remained a potential risk that the claim was valid. Taking into account the risks associated with a potentially valid claim and the potential for litigation, the Town is pleased to report that the claim has been settled. The settlement has recently been concluded with a written settlement agreement being entered into between HERTFORD and ARCHIE L. APLES, III, and wife, LORA D. APLES, and WILLIE E. VAUGHN and wife, ANNIE S. VAUGHN. In exchange for a release of all existing claims by all claimants against the Town, Hertford agreed to pay the claimants the reduced amount of \$5,000. While Hertford believes it would have likely prevailed in any litigation, even that outcome would have potentially resulted in a less favorable position than the settlement and would have certainly accrued substantial legal costs without any guarantee of being proven correct. The mutually agreed to settlement allows for the parties to move forward and to concentrate their time and energy on other pressing issues.

Motion by Sid Eley and seconded by Archie Aples, and passed 4-0 to pay for upgrades to the new ladder truck, in the amount of \$14,229.89. There will be a future budget amendment to show that the Town made this payment, but was reimbursed by the Volunteer Fire Department.

Motion by Archie Aples and seconded by Ed Lane, and passed 4-0 to approve the request from the Volunteer Firemen to use one of the recently surplus Crown Victoria Police Cars for training purposes.

Motion by Sid Eley and seconded by Ed Lane, and passed 4-0 to approve the surplus resolution, Resolution 1-9-2017-01, for the John Deere Backhoe and Police Speed Trailer.

Motion by Archie Aples and seconded by Ed Lane, and passed 4-0 to appoint Sid Eley to the TDA for a term from February 2017 to February 2019.

Shoaf reported to the Council that the Town was not eligible for reimbursement for the 2016 DOI Assistance to Firefighters grant. The DOI did not receive the required documentation within the allotted time frame. He reported that this does not affect our eligibility going forward and he would make sure all documents were processed properly in the future.

Mayor Pro Tem Holman presented the ABC report showing an increase of 2.28% over last December.

Motion by Sid Eley and seconded by Archie Aples and passed 4-0 to go into closed session per NC GS 143-318.11.(a)(6), to discuss a Personnel Issue.

Motion by Sid Eley and seconded by Ed Lane, and passed 4-0 to go into regular session.

Motion by Sid Eley and seconded by Ed Lane, and passed 4-0 to amend the Chief of Police job description to remove the language regarding how much weight the Chief must be able to lift at any given time.

Motion by Sid Eley and seconded by Ed Lane, and passed 4-0 to adjourn the meeting.